

108TH CONGRESS
2D SESSION

H. R. 4107

To reauthorize the Assistance to Firefighters Grant program under section 33 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2004

Mr. BOEHLERT (for himself, Mr. PASCRELL, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. SMITH of Michigan, Mr. ANDREWS, Mr. COX, Mr. TURNER of Texas, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Science

A BILL

To reauthorize the Assistance to Firefighters Grant program under section 33 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assistance to Fire-

5 fighters Grant Reauthorization Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) there are 1,100,000 firefighters serving in
2 over 30,000 fire departments in the United States;

3 (2) fire departments responded to nearly
4 1,700,000 fires in 2002;

5 (3) every 19 seconds a fire department re-
6 sponds to a fire somewhere in the United States;

7 (4) in 2003, 110 firefighters died in the line of
8 duty;

9 (5) fires resulted in the deaths of 3,380 civil-
10 ians in 2002;

11 (6) nationwide there is a civilian fire death
12 every 156 minutes;

13 (7) in 2002, 18,425 people sustained injuries
14 from fires;

15 (8) in 2002 there was an estimated
16 \$10,337,000,000 in property damage caused by
17 fires, including \$6,055,000,000 worth of property
18 loss to residential properties;

19 (9) for communities with populations between
20 10,000 and 1,000,000, it is estimated that approxi-
21 mately $\frac{1}{4}$ of emergency responders on a shift lack
22 radios, and this percentage increases as community
23 size decreases;

1 (10) an estimated one-third of firefighters per
2 shift are not equipped with self-contained breathing
3 apparatus (SCBA);

4 (11) nearly half of all self-contained breathing
5 apparatus units are at least 10 years old;

6 (12) nearly half of firefighters on a shift lack
7 personal alert system (PASS) devices;

8 (13) an estimated 57,000 firefighters lack per-
9 sonal protective clothing;

10 (14) one-third of personal protective clothing is
11 at least 10 years old;

12 (15) half of all fire engines are at least 15
13 years old;

14 (16) only one-fourth of fire departments have
15 the ability to communicate with Federal, State, and
16 local partners;

17 (17) only one-fourth of fire departments have
18 thermal imaging cameras;

19 (18) only one fire department in 28 has mobile
20 data terminals;

21 (19) only one fire department in 50 has ad-
22 vanced personnel location equipment;

23 (20) only one fire department in 23 has equip-
24 ment to collect chemical or biological samples;

1 (21) an estimated 42 percent of the population
2 is protected by fire departments that do not have a
3 program for free distribution of home smoke alarms;

4 (22) an estimated 48 percent of the population
5 is protected by fire departments that do not have a
6 juvenile firesetter program;

7 (23) an estimated 27 percent of the population
8 is protected by fire departments that do not have a
9 fire safety education program based on a national
10 curriculum;

11 (24) only 11 percent of fire departments can re-
12 spond to a technical rescue involving emergency
13 medical services at a building collapse with local per-
14 sonnel, and nearly half of all departments consider
15 such an incident outside their scope;

16 (25) only 13 percent of fire departments can re-
17 spond to a hazmat incident involving emergency
18 medical services with local personnel, and two-fifths
19 of all departments consider such an incident outside
20 their scope;

21 (26) only 26 percent of fire departments can re-
22 spond to a wildland/urban interface fire affecting
23 500 acres with local personnel, and one-third of all
24 departments consider such an incident outside their
25 scope; and

1 (27) only 12 percent of fire departments can
2 handle mitigation of a developing major flood with
3 local personnel, and a majority of fire departments
4 consider such an incident outside their scope.

5 **SEC. 3. AMENDMENTS.**

6 Section 33 of the Federal Fire Prevention and Con-
7 trol Act of 1974 (15 U.S.C. 2229) is amended—

8 (1) by striking “Director” each place it appears
9 and inserting “Administrator”;

10 (2) in subsection (b)(1)(A), by inserting “and
11 volunteer emergency medical service squads” after
12 “fire departments”;

13 (3) in subsection (b)(1)(B), by inserting “and
14 firefighter safety research and development” after
15 “fire prevention”;

16 (4) in subsection (b)(3)(F), by inserting “and
17 volunteer emergency medical service squads that are
18 not affiliated with a fire department, hospital, or
19 for-profit entity” after “fire departments”;

20 (5) in subsection (b)(4)—

21 (A) by inserting “AND FIREFIGHTER SAFE-
22 TY RESEARCH AND DEVELOPMENT” after “PRE-
23 VENTION” in the paragraph heading;

24 (B) in subparagraph (A)(ii)—

1 (i) by inserting “that are not fire de-
 2 partments and” after “community organi-
 3 zations”;

4 (ii) by inserting “and firefighter re-
 5 search and development programs,” after
 6 “fire safety programs and activities,”; and

7 (iii) by inserting “and research to im-
 8 prove firefighter health and life safety”
 9 after “fire prevention programs”; and

10 (C) in subparagraph (B), by striking “to
 11 children from fire” and inserting “to high risk
 12 groups from fire, as well as research programs
 13 that demonstrate the potential to improve fire-
 14 fighter safety”;

15 (6) in subsection (b)(6)—

16 (A) in subparagraph (A)—

17 (i) by striking “subparagraph (B)”
 18 and inserting “subparagraphs (B) and
 19 (C)”;

20 (ii) by striking “30 percent” and in-
 21 serting “20 percent”; and

22 (B) by inserting after subparagraph (B)
 23 the following new subparagraph:

24 “(C) FIRE PREVENTION AND FIREFIGHTER
 25 SAFETY GRANTS.—There shall be no matching

1 requirement for a grant described in paragraph
2 (4)(A)(ii).”;
3 (7) in subsection (b)(10)—

4 (A) by amending subparagraph (A) to read
5 as follows:

6 “(A) RECIPIENT LIMITATIONS.—A grant
7 recipient under this section—

8 “(i) that serves a jurisdiction with
9 500,000 people or less may not receive
10 grants in excess of \$1,000,000 for any fis-
11 cal year;

12 “(ii) that serves a jurisdiction with
13 more than 500,000 but not more than
14 1,000,000 people may not receive grants in
15 excess of \$2,000,000 for any fiscal year;
16 and

17 “(iii) that serves a jurisdiction with
18 more than 1,000,000 people may not re-
19 ceive grants in excess of \$3,000,000 for
20 any fiscal year.

21 The Administrator may award grants in excess
22 of the limitations provided in clause (i) or (ii)
23 to a recipient that serves a population close to
24 the relevant threshold, upon a showing of suffi-
25 cient need.”;

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C);

3 (C) by inserting after subparagraph (A)
4 the following new subparagraph:

5 “(B) DISTRIBUTION.—Notwithstanding
6 subparagraph (A), no single recipient may re-
7 ceive more than one half of one percent of the
8 funds appropriated under this section for a sin-
9 gle fiscal year.”; and

10 (D) by adding at the end the following new
11 subparagraph:

12 “(D) VOLUNTEER EMERGENCY MEDICAL
13 SERVICE LIMITATION.—Not more than 4 per-
14 cent of the funds appropriated to provide grants
15 under this section for a fiscal year may be
16 awarded to volunteer emergency medical service
17 squads.”;

18 (8) in subsection (b), by adding at the end the
19 following new paragraphs:

20 “(13) ANNUAL MEETING.—The Administrator
21 shall convene an annual meeting of non-Federal fire
22 service experts, including representatives from a
23 wide range of fire service organizations, to rec-
24 ommend criteria for awarding grants under this sec-

1 tion for the next fiscal year and recommend any nec-
2 essary administrative changes to the grant program.

3 “(14) GUIDELINES.—(A) Each year, prior to
4 making any grants under this section, the Adminis-
5 trator shall publish in the Federal Register—

6 “(i) guidelines that describe the process for
7 applying for grants and the criteria for award-
8 ing grants; and

9 “(ii) an explanation of any differences be-
10 tween the guidelines and the recommendations
11 made pursuant to paragraph (1).

12 “(B) The criteria for awarding grants shall in-
13 clude the extent to which the grant would enhance
14 the daily operations of a fire department and the im-
15 pact of such a grant on the protection of lives and
16 property.

17 “(15) PEER REVIEW.—The Administrator shall,
18 after consultation with national fire service organiza-
19 tions, appoint fire service personnel to conduct peer
20 review of applications received under paragraph (5).
21 In making grants under this section, the Adminis-
22 trator shall consider the results of such peer review
23 evaluations.

24 “(16) PROTECTION OF VOLUNTEERS FROM DIS-
25 CRIMINATION.—A fire department receiving funds

1 provided under this section shall not discriminate
2 against, or prohibit its members from engaging in,
3 volunteer activities in another jurisdiction during
4 off-duty hours.”; and

5 (9) in subsection (e)(1), by striking “2002
6 through 2004” and inserting “2005 through 2007”.

7 **SEC. 4. REPORTS.**

8 (a) STUDY ON NEED FOR FEDERAL ASSISTANCE TO
9 STATE AND LOCAL COMMUNITIES TO FUND FIRE-
10 FIGHTING AND EMERGENCY RESPONSE ACTIVITIES.—
11 The Administrator of the United States Fire Administra-
12 tion shall—

13 (1) reconduct the study required under section
14 1701(b) of the Floyd D. Spence National Defense
15 Authorization Act for Fiscal Year 2001, in conjunc-
16 tion with the National Fire Protection Association,
17 to—

18 (A) define the current role and activities
19 associated with the fire services;

20 (B) analyze the extent to which grant
21 awards fulfill the goals of applicants; and

22 (C) provide a needs assessment to identify
23 shortfalls;

1 (2) express the needs assessment under sub-
2 paragraph (A)(iii) on a national and State-by-State
3 basis; and

4 (3) measure the impact the Assistance to Fire-
5 fighters Grant program under section 33 of the Fed-
6 eral Fire Prevention and Control Act of 1974 has
7 had in meeting the shortfalls identified in the origi-
8 nal report conducted under such section 1701(b).

9 (b) TIME FOR COMPLETION OF STUDY; REPORT.—
10 The Administrator shall complete the study under sub-
11 section (a), and submit a report on the results of the study
12 to Congress, not later than 18 months after the date of
13 the enactment of this Act.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the United States
16 Fire Administration \$300,000 for fiscal year 2005 to
17 carry out the study required by subsection (a).

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